

New Hampshire Special Education Program Approval Report

SAU 64

**Albert R. Musco, Superintendent
William Miller, Special Education Director**

Final Report

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Visit Conducted on:

May 10-11, 2000

Team Members:

Harvey Harkness, Chairperson
Annie Barnes
Patricia LaPlante
Bruce May
Kent Robarts
Sharon Roberts
Phil Sapienza
Sara Jane Snyder
Robin Stuart

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(Commendations, Citations and Suggestions for each school)

Note: *It should be noted that suggestions are not considered corrective actions and therefore are given as technical assistance. The district is not mandated to implement them.*

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SAU 64

I. INTRODUCTION:

A New Hampshire Department of Education Special Education Program Approval visit was conducted at SAU 64 comprised of the following schools: Milton Learning Center - Preschool, Milton Elementary School, Paul School and the Nute Middle/High School. The visiting team met on May 10-11, 2000 to review the extent to which special education programs and services comply with federal and state requirements.

Activities related to this evaluation included the close review of all teaching certifications of special education staff, and random inspection of student records. Interviews were held with the Special Education Director, building principals, regular and special education teachers, related service personnel and administrators as time and availability permitted. In addition, the team conducted parent interviews via telephone. Throughout the visit, full cooperation was provided by school personnel for which the team was most appreciative.

The report represents the consensus of all members of the visiting team. Please keep in mind this is a "report for exception", meaning that only exceptions to the NH State Standards have been cited. All components not identified by the team were found to meet minimum compliance requirements.

II. STATUS OF PREVIOUS ON-SITE: *Conducted on April 5-6, 1995*

A number of citations of non-compliance noted in 1995 were again seen during the May 10-11, 2000 evaluation. These are listed as follows.

Ed 1109.01(a)(b)(d)(f)(m)	Incomplete individual education programs
Ed 1109.04	Provision of procedural safeguards
Ed 1119.06	Appropriate and accessible instructional space
Ed 1107	Certified teacher in the area(s) of suspected disability(s)
Ed 1107(b)(d)	Parental notification of referral
Ed 1107.07(i)	Identification of LEA representative at meetings

These matters of non-compliance are basic to the provision of special education services and as such need to be corrected. Five years was made available by the Department of Education to accomplish this and the team was surprised to see the identical deficiencies occurring again.

III. ISSUES OF SIGNIFICANCE:

The visiting team was impressed with the dedication and commitment of the staff of the Milton and Wakefield Schools. Their cooperation enabled the team to complete the evaluation in a thorough and efficient manner.

Issues of significance are defined as deficiencies that negatively impact the systematic provision of educational services for students with disabilities. The team identified the following issues of significance at the Nute Middle/High School:

- A clean, healthy and safe learning environment
- Accessible and appropriate space for services
- Availability at a minimum to the continuum of alternative environments
- Curriculum opportunities for the provision of an adequate education

A stabilized staff having a reasonable level of continuity from year to year

CLEAN, HEALTY AND SAFE LEARNING ENVIRONMENT

The team was struck by the poor condition, lack of cleanliness and questionable fire safety of the main building and modular classrooms at the Nute Middle/High School. The main building and modular classrooms are in a general state of disrepair and may be detrimental to the health and safety of students and staff. The extent to which the facilities meet the requirements for a "clean, healthy and safe learning environment" (*Minimum Standards for Public Approval, State Board of Education 1996, Ed. 306.03(a)(b)*) was seriously questioned by the visiting team. To the rear of the main building are located two modular classrooms leased from Stafford Learning Center. The conditions of the lease call for the Milton School District to maintain the interior and exterior of the structures. Manufactured in 1980 the modulares are currently in disrepair and are characterized by a pervasive moldy smell. According to the current lease, they become the property of the Milton School District at the end of 2001. Custodial services are provided by the district for the modular classrooms including the pre-school classroom operated by Stafford Learning Center. Dissatisfaction with the quality of janitorial services has been expressed to district authorities on numerous occasions by Strafford Learning Center staff. Consequently, some improvements in custodial services have been noted in recent months for the pre-school classroom. Nevertheless, in order to provide children with a clean learning environment, Strafford Learning Center continues to daily clean the pre-school lavatory and in addition contracts with a commercial firm to thoroughly clean the room at least 3-5 times per year.

The air quality in the modulares was raised as a potential problem as a result of the review of the team. Upon entering the large modular, team members reported a pervasive moldy odor and general state of uncleanness throughout the structure. Given the current requirements for air quality in public buildings and the wide spread concern for the extent to which sick buildings contribute to respiratory disorders the team was unanimous in the need to have the air quality professionally analyzed for harmful and/or dangerous elements.

The physical condition of the main building was of equal concern to the team. The building was found to be dirty and poorly maintained. A general lack of regular maintenance, including repairing holes in walls, replacing stair treads, painting of classrooms and hallways, washing windows and providing sanitary lavatories were observed during the inspection. The poor maintenance and uncleanness of the building was seen by the team as not in compliance with the requirements for a "clean, healthy and safe learning environment". Based on the collective experience of the nine team members it was agreed that none had experienced similar conditions in any other school building in the State of New Hampshire.

ACCESSIBLE AND APPROPRIATE INSTRUCTIONAL SPACE

The main structure of the high school has been cited by previous evaluations for inadequacy of space and lack of accessibility. In 1995, the visiting team noted this as a significant issue and was assured that "each community in SAU 64 recognizes this problem and have jointed together to explore different building options" (*NH Special Education Evaluation Report of SAU 64, New Hampshire Department of Education, June 1995*). Since that time, the Milton School District has constructed, with state assistance, two kindergarten rooms and seven elementary classrooms. This will enable the sixth grade students to move from the Middle/High School to the elementary building where they will be housed with age appropriate peers. It is the intention of the district to use the modular classrooms next year for middle school education. It must be noted, as stated previously, the visiting team considers the modulares deficient and not in compliance with federal and state health requirements. The relocation of the sixth grade to the Milton Elementary School is an improvement for the education of these students. The district has made a wise decision and is complimented for constructing appropriate space for the kindergarten and sixth grade students. The resource room at Nute Middle/High School however, remains overcrowded and undersized for the number of students and adults placed there for educational programming. In addition, the resource room continues to be inaccessible for some disabled students. The location of the guidance office requires students to walk through two classrooms or proceed outside the building to another entrance in order to receive guidance services, special education counseling and/or therapy. The part-time guidance counselor reported that the two days she is at Nute Middle/High School she is fully scheduled with counseling sessions most of which are with special education students. Because of the absence of appropriate space for counseling

services, students are required to walk through two in session classrooms or go outside of the building in order to access services in the guidance area.

The third floor of the Nute Middle/High School has classrooms with egress provided by stairways and a fire escape. While the team was visiting this area classes changed from one period to the next thereby providing an opportunity to observe the traffic flow of students. The classroom doors from both classrooms opened simultaneously and students poured from the rooms converging onto a small landing at the head of the stairwell. It appeared to the team member, who happened to be there, to create unsafe fire safety conditions. The team also questioned the accessibility and condition of the classroom fire escapes. Given the general state of disrepair and probable unsafe conditions it is imperative that an inspection for fire safety be performed by the State Fire Marshal's Office before school opens in the fall.

AVAILABILITY OF THE CONTINUUM OF ALTERNATIVE EDUCATIONAL ENVIRONMENTS

Another systemic deficiency documented by the team was the absence of evidence that students with disabilities attending Nute Middle/High School have access "at minimum, to the continuum of alternative educational environments to meet student needs" (*NH Standards for the Education of Students with Disabilities, NH State Board of Education 1997, Ed. 1115.04(b)*). The team noted that twenty-four percent of the student body is identified as eligible for services per RSA 186-C and IDEA 1997, yet these students are being served by only one special education teacher. The teacher has an active caseload of fifty disabled students many for whom she is the only special education service available. In reviewing student records, the variety of supports required to be available in Ed. 1115.04(b) were not in evidence. The absence of alternative environments at Nute/Middle High School led the visiting team to question the appropriateness of individual education plans since so many were similar in design and services. In addition to serving as the special education teacher for fifty students, she is responsible for the school's compliance with all procedural requirements of IDEA and the New Hampshire Standards for the Education of Students with Disabilities. She also is responsible for most of the required special education testing for initial and continuing identification of students with disabilities. With a large caseload, and testing and administrative responsibilities of such magnitude, it is literally impossible for her to meet the individual requirements of students as specified in the continuum of alternative environments.

CURRICULUM OPPORTUNITIES FOR THE PROVISION OF AN ADEQUATE EDUCATION

In the presence of substandard facilities at the Nute Middle/High School, the team seriously questioned the extent to which students had available to them opportunities for a New Hampshire adequate education. The Department of Education has listed the Nute Middle/High School as an approved school with no deficiencies. After contacting the Department of Education, the team learned however, that no visit to the school had occurred and first hand knowledge of actual conditions were unknown to Department staff. The approval status issued by the Department was based solely on paperwork filed by the district. No inspections or reviews other than those for special education have been performed by the Department in recent years.

The team was informed by district administrators that student results on the New Hampshire Assessments were disappointing and a cause for serious concern. An adequate education is defined by the New Hampshire Supreme Court's Claremont Decision, the Minimum Standards for School Approval and the New Hampshire Curriculum Frameworks promulgated by the State Board of Education. The facilities at Nute/Middle High School appeared to the team to be inadequate to provide the educational offerings defined by the preceding requirements.

A thorough analysis of the extent to which the students at the Nute/Middle High School are receiving an adequate education as defined by the laws and regulations of the State of New Hampshire needs to be conducted by the Department of Education and reported to local and state authorities as required.

STABILIZED STAFF HAVING REASONABLE CONTINUITY FROM YEAR TO YEAR

The Milton District as a whole and the Nute Middle/High School in particular have been experiencing an unusually high turnover rate of administrative and instructional staff. Last year fifty percent of the teaching staff in the Milton schools did not return to their positions. Leadership positions have experienced an equally unusual loss and turnover rate. It was reported to the team that expectations for the coming school year are at least as drastic for staff loss as last year. Interviews with staff reported the main causes for leaving the district to be, poor facilities, inadequate instructional supplies, and low wages and community apathy. New Hampshire is in the midst of a growing shortage of certified teachers and in a competitive market for qualified staff, such conditions place the Milton School District at a distinct disadvantage. Administrators interviewed reported much difficulty in filling vacant positions and expressed concern for the educational ramifications this might have for students. A high rate of staff turnover on a regular basis jeopardizes the continuity and flow of students' education and contributes to lower student performance.

OTHER ISSUES OF SIGNIFICANCE

The SAU 46 manual of special education policies and procedures must be revised. The director of special education acknowledged the number of outdated and/or missing policies and procedures missing and indicated he would do his best to correct the manual. He indicated that limited secretarial support at the central office would hinder his ability to get the job done satisfactorily.

As detailed previously a number of citations noted in 1995 frequently re-occurred during the 2,000 evaluation. These include procedures for the provision of parent rights, availability of a free appropriate education at public expense, adequate and accessible space for educational programming and provision for education based on individual student needs. It was the opinion of the team these conditions should be corrected immediately since ample time had been provided to develop and institute appropriate remedies.

MILTON LEARNING CENTER

PROGRAM(S) VISITED: 1) Preschool Program

NUMBER OF FILES REVIEWED: 2 Files

COMMENDATIONS:

- The school provides a good variety of activities for readiness skills.
- The program director and teaching assistant have a cooperative relationship and work well together.
- Parents expressed satisfaction with the program, staff and IEPs.
- The Learning Center provides a pleasant spacious environment for students.

CITATIONS: (in numerical order)

Ed. 1109.01(b) 2 files: there is no specific place on the IEP to record how the disability affects involvement in the general curriculum.

Ed. 1109.11 2 files:: lacked evidence of regular and systematic monitoring of the IEP.

CFR 300.347 (i, ii) 1 file: lacked evaluation schedule or dates on IEP. Services for this child were started 6 weeks late.

Ed. 1123.04(a) 1 file: record of disclosure did not contain required elements.

Ed. 1129.05 1 file: no spedis number on file or IEP.

SUGGESTIONS:

- Include a record of disclosure form in each student file.
- The district may want to consider adding a section to the IEP to describe student learning styles, strengths and weaknesses.
- Improve contact and follow-through with SAU special education staff related to referral, testing, and performance of services.
- Consider adding grading to quarterly objectives.

MILTON ELEMENTARY SCHOOL

PROGRAM(S) VISITED: 1) Grade 2 Classroom 2) Grade 3 Classroom 3) Grade 4 Classroom

NUMBER OF FILES REVIEWED: 3 Files

COMMENDATIONS:

- There is good collaboration and a positive attitude among regular and special education staff.
- Student records contained the majority of required paperwork.
- The school has a friendly environment and the new addition is bright and cheery.
- The after school program provides a supportive environment for students.
- Parents are involved and supportive of the school.

CITATIONS: (in numerical order)

<u>Ed 1107.05(k)</u>	1 file: the evaluation was not conducted within 45 days. A signed extension was in the file, but the length of extension was not indicated.
<u>Ed. 1109.01(a)</u>	1 file: IEP did not include how the disability affects involvement and progress in the general curriculum.
<u>Ed. 1109.01(f)</u>	1 file: IEP did not contain statement of modifications.
<u>Ed. 1109.04</u>	3 files: lacked evidence that parents were given procedural safeguards with each notice of IEP meeting.
<u>Ed. 1113.01(c)</u>	1 file: lacked evidence of current observation.
<u>CFR 300.347(a)(5)</u>	1 file: IEP did not contain statement regarding modifications for statewide or district-wide assessments.
<u>Ed. 1119.06</u>	Several facility issues were noted: 1) the speech room smelled of fuel oil, 2) the resource/testing room is a small converted bathroom with divider and located next to noisy boiler room, 3) The portable classrooms are in need of repair, 4) the fire exit is not appropriate in the resource room, 5) a classroom is located in the hallway outside of the resource room

SUGGESTIONS:

- Staff would benefit from increased staff development opportunities around the subject of inclusion.
- Consider revising the IEP form to provide for clear articulation of IEP goals and objectives.

PAUL SCHOOL

PROGRAM(S) VISITED: 1) Primary Support 2) Intermediate Support

NUMBER OF FILES REVIEWED: 3 Files

COMMENDATIONS:

- There is a high level of cooperation and teamwork between regular and special education staff.
- There is an active PTA and parents are involved and committed to the school.
- There is financial support provided for programs.
- The school provides students with wonderful after school activities and programs.
- The school is commended for the "Special Surprises" and "Blue Ribbon Volunteer" Programs.

CITATIONS: (in numerical order)

Ed.1109.01(b) 1 file: IEP did not contain measurable annual goals with benchmarks or objectives.

Ed. 1109.01(d) 1 file: IEP lacked expectation of regular class participation.

Ed. 1107.07(c) 2 files: lacked evidence of teacher certified in the area of suspected disability in determining eligibility

Ed. 1109.01(f) 1 file: IEP lacked statement regarding any related services, supplementary aids or program modifications.

CFR. 300.347(a)(5)(i & ii) 3 files: There was no evidence of what modifications, if any, would be needed for state or district-wide assessments. There was no statement indicating that the child would not participate in state or district-wide assessments, and why the tests are not appropriate.

CFR#300.347(a)(5)(ii)B 3 files: There was no statement of how the child would be assessed.

CFR. 300.346(a)(2) 1 file: IEP lacked statement of special factors related to visually impaired student.

CFR. 300.347(b) 1 file: every year WRAT is completed, but results are not indicated.
Ed. 1115.06. 3 files: lacked documentation that least restrictive environment is determined annually.

Ed.1107.02(b) 1 file: lacked evidence that parents were given written notice of the referral.

Ed. 1107.02(d) 1 file: lacked evidence that parents were provided written notice of disposition within 15 days of the initial referral.

Ed. 1109.01(m) 3 files: lacked statement of transition services and the basis on which it was determined.

Ed. 1107.07 1 file: IEP lacked LEA representative signature.

PAUL SCHOOL, Continued

SUGGESTIONS:

- Review the current IEP format and consider revisions to provide for consistent reporting of progress, more detailed and measurable goals and progress.
- Computer support for IEPs would be helpful.
- Ensure that substitute teachers are aware of identified students and their modifications or adaptations.
- A long-range plan would be useful in developing curriculum for students with severe disabilities.
- Strafford Learning Center should be encouraged to submit progress reports for placement in student files.

NUTE MIDDLE/HIGH SCHOOL

PROGRAM(S) VISITED: 1) Geography 2) Computer Class 3) Photojournalism

NUMBER OF FILES REVIEWED: 3 Files

COMMENDATIONS:

- The Special Education Facilitator does an amazing job as the case manger and teacher for 50+ students.
- The dedication of the regular and special education staff in attempting to provide education in substandard facilities is commended.
- The students are commended for their friendliness and good humor.
- Special education students are provided work opportunities within a community setting.
- The school principal is noted for his enthusiasm and commitment to improving education for all students.

CITATIONS: (in numerical order)

Ed 1119.04
Ed 1119.01
CFR300.327
Ed. 1115.04(b) Little evidence was available that at a minimum, the continuum of alternative educational environments are available to meet student needs. 24% of the student body is identified as eligible for special education for services per IDEA '97.

Ed. 1109.01(b) There was no evidence that additional help was part of student IEPs.

CFR 300.346(a)(1)(iii) NHEIAP results were not considered for evaluation purposes.

Ed. 1119.06
Ed. 1129.02(b)(8)
CFR 306.06(a)(b)*
CFR 306.07 The Nute Middle/High School facilities including leased modular classrooms do not appear to provide a "clean, healthy and safe learning environment". Furthermore, documentation of the facility meeting all local, state and federal fire, health, safety, and accessibility laws, rules, regulations and requirements was not in evidence.

Ed. 1119.06(b) The space allocated for resource room services is overcrowded and much too small for the number of adults and students working there. In addition,. the resource room is not handicapped accessible for students with disabilities.

Ed. 1119.07 Staff turnover was 50% last year and indications are that it may be at least as high next year. With a rapidly developing teacher shortage in New Hampshire, such a high loss each year will place Nute Middle/High School at a disadvantage in recruiting qualified staff. Administrators reported much difficulty in filling vacant positions. The factors causing this unusual situation need to be addressed and resolved.

Ed 306.24-38 Evidence that students are receiving an adequate education as defined by the New Hampshire Minimum Standards for School Approval was not evident or inconclusive.

* *Minimum State Standards for Public Approval, State Board of Education, 1996*

SUGGESTIONS:

None

OUT-OF-DISTRICT FILES

NUMBER OF FILES REVIEWED: 2 files

CITATIONS: (in numerical order)

<u>Ed. 1107.05(k)</u>	1 file: Evaluation was not completed with 45 days and there was no evidence of an extension being offered.
<u>Ed. 1107.07(c)</u>	1 file: Teacher certified in the area of disability not a member of the team.
<u>Ed. 1107.07(e)</u> <u>CFR 300.534(a)(2)</u>	1 file: Evidence of parent receiving a copy of the evaluation report and documentation of the determination of eligibility not available.
<u>Ed. 1109.04(a)</u> <u>CFR 300.345(b)(1)(i, ii)</u>	1 file: No evidence of parents given 10-day notice of meeting.
<u>CFR 300.504(a)(2)</u>	1 file: No evidence of giving procedural safeguards to parent(s) at each notice of IEP meeting.
<u>Ed. 1109.01(b)</u>	2 files: Measurable annual goals not on IEP.
<u>Ed. 1109.01(l)</u> <u>CFR 300.29</u>	1 file: Transition plan not developed and included as part of IEP.
<u>Ed. 1109.01(n)</u>	1 file: Signature of parent and LEA representative not on IEP.
<u>CFR 300.347(a)(4)</u>	1 file: Explanation of the extent the child will not participate with non-disabled children in regular classes not addressed.
<u>CFR 300.347(a)(5)</u>	1 file: Participation in statewide or district-wide assessments no included.
<u>CFR 300.347(c)</u> <u>CFR 300.517</u>	1 file: No evidence of transfer if rights available.
<u>Ed. 1115.06</u> <u>CFR 300.552</u>	2 files. No evidence of least restrictive environment being determined annually.
<u>Ed. 1109.03</u>	1 file: Team composition for evaluation, determination, IEP and placement missing parents, special education teacher, LEA representative at all meetings.
<u>Ed. 1109.11</u> <u>CFR 300.347(a)(7)(ii)</u>	2 files: Progress does not show extent to which it is sufficient to achieve goals by end of year.
<u>Ed. 1123.05</u> <u>Ed. 1125.03</u>	1 file: No evidence of parents receiving procedural safeguards and written prior notice.

SUGGESTIONS:

- All forms and procedures need to be updated and brought into compliance with the new requirements of IDEA '97.

ADDENDUM

JAMES O. MONITORING PROGRAM

SAU 64

Student File Review

Case Study Document

Reimbursement Claim Form

Case Study Addendum Form

<p style="text-align: center;">ADDENDUM JAMES O. MONITORING PROGRAM</p>

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NUMBER OF FILES REVIEWED: 1 FILE

CITATIONS: (in numerical order)

Ed. 1109.01(b) 1 file: Annual goals not measurable and present levels of performance are vague.

Ed. 1109.01(j) 1 file: Evaluation criteria need to be updated to comply with IDEA 97.

Ed. 1109.01(e) 1 file: No vocational evaluation completed.

SUGGESTIONS:

- All documents need to be brought into compliance with the requirements of IDEA '97.